

Notice of Allowability

Application No.

09/832,782

Examiner

Jamal A Fox

Applicant(s)

KATO, TATSUYA

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/26/2005.
2. ☒ The allowed claim(s) is/are 2-8 of which have been renumbered as 1-7 respectively.
3. ☒ The drawings filed on 11 April 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/832,782.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Allowable Subject Matter

1. Claims 2-8 which have been renumbered as 1-7 respectively are allowed.
2. The following is an examiner's statement of reasons for allowance: Regarding claims 1-7, the prior art of record fails to teach of an internet phone comprising a switching controller where the controller is a controller for switching to a connectionless protocol when the internet is in a congestion situation below a threshold and for switching to a connection protocol when the internet exceeds the threshold. The closest reference, Asai et al. (U.S. Patent No. 5,991,291), teaches of an internet telephone that transmits and receives a call data through an internet, but fails to teach of the internet phone comprising a switching controller where the controller is a controller for switching to a connectionless protocol when the internet is in a congestion situation below a threshold and for switching to a connection protocol when the internet exceeds the threshold. Additionally, Hikita (JP 2000151680 A), discloses a switching controller for controlling and switching a protocol of a data transfer responding to a congestion situation of the internet, but fails to teach of the switching controller switching to a connectionless protocol when the internet is in a congestion situation below a threshold and for switching to a connection protocol when the internet exceeds the threshold.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

**4. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-
3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone
numbers for the organization where this application or proceeding is assigned are (703)
872-9306 for regular communications and (703) 872-9315 for After Final
communications.

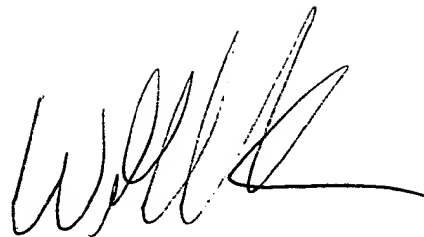
Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 306-
0377.

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Jamal A. Fox
Jamal A. Fox

A handwritten signature in black ink, appearing to read 'W. Chin', with a stylized flourish at the end.

WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER